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06 **UNITED STATES DISTRICT COURT**
07 **WESTERN DISTRICT OF WASHINGTON**
08 **AT SEATTLE**

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14 UNITED STATES OF AMERICA,))
15) CASE NO. CR12-037-JLR
16 Plaintiff,)
17)
18 v.)
19) SUMMARY REPORT OF U.S.
20 JAMES PALMER BENSON,) MAGISTRATE JUDGE AS TO
21) ALLEGED VIOLATIONS
22) OF SUPERVISED RELEASE
23)
24

25 An initial hearing on supervised release revocation in this case was scheduled before me
26 on April 23, 2012. The United States was represented by AUSA Thomas Bates and the
27 defendant by Nancy Tenney. The proceedings were digitally recorded.

28 Defendant had been sentenced in the Eastern District of Washington on or about May 5,
29 2005 by the Honorable Lonnie R. Suko on a charge of Felon in Possession of a Firearm, and
30 sentenced to months 70 custody, three years supervised release.

31 The conditions of supervised release included the standard conditions plus the
32 requirements that defendant not associate with known gang members, participate in a mental
33 health evaluation and follow treatment recommendations, submit to search, participate in

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35 **SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS**
36 **TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE**

01 substance abuse evaluation, and abstain from alcohol and other illegal controlled substances .
02 (Dkt. 3 at 24-29.)

03 The case was transferred to this District on February 27, 2012. (Dkt. 3 at 2.)

04 In an application dated (Dkt. 6, 7), U.S. Probation Officer Jennifer J. Tien alleged the
05 following violations of the conditions of supervised release:

06 1. Using cocaine on or before February 21, 2012, in violation of standard condition
07 number 7.

08 2. Using cocaine on or before February 27, 2012, in violation of standard condition
09 number 7.

10 3. Failing to participate in mental health treatment, as directed by his probation
11 officer since January 2012, in violation of the special condition that the defendant participate in
12 mental health treatment.

13 4. Using cocaine on or before April 5, and April 10, 2012, in violation of standard
14 condition number 7.

15 Defendant was advised in full as to those charges and as to his constitutional rights.

16 Defendant admitted violations 1, 2, and 4 and waived any evidentiary hearing as to
17 whether they occurred. The defendant denied violation 3 . (Dkt. 8.)

18 I therefore recommend the Court find defendant violated his supervised release as
19 alleged in violations 1, 2, and 4, that the Court conduct a hearing limited to the issue of
20 disposition on those violations and an evidentiary hearing on violation 3. The next hearing
21 will be set before Judge Robart.

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TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

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01 Pending a final determination by the Court, defendant has been released on supervision.

02 DATED this 23rd day of April, 2012.

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05 Mary Alice Theiler
06 United States Magistrate Judge

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09 cc: District Judge: Honorable James L. Robart
10 AUSA: Thomas Bates
Defendant's attorney: Nancy Tenney
Probation officer: Jennifer J. Tien
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